

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIDNEY GORDON and JEFFREY TAUBER,

Plaintiffs,

v.

SONAR CAPITAL MANAGEMENT LLC, ET AL.,

Defendants.

11-cv-09665 (JSR)

**AFFIDAVIT OF JULIA C.
SPIVACK IN SUPPORT OF THE
SONAR DEFENDANTS'
SUPPLEMENT TO THEIR
MOTION FOR SUMMARY
JUDGMENT**

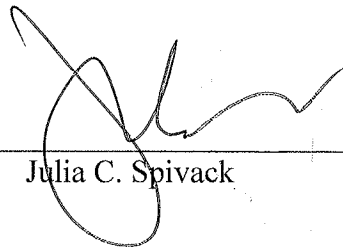
STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

Julia C. Spivack being duly sworn deposes and says:

1. I am an attorney associated with the firm Seward & Kissel LLP, counsel for Defendants Sonar Capital Management LLC ("Sonar"), Neil Druker ("Druker"), Sonar Partners, LP ("Sonar Partners"), Sonar Institutional Fund, LP ("Sonar Institutional") and Sonar Overseas Fund, Ltd. ("Sonar Overseas") (together, the "Sonar Defendants"). I submit this affidavit in support of the Sonar Defendants' supplement to their motion pursuant to Fed. R. Civ. P. 56, for an order granting summary judgment (Dkt. No. 134) dismissing the Third Amended Class Action Complaint.
2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition of Hao Nguyen, taken March 10, 2015.
3. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition of Hien Nguyen, taken March 10, 2015.

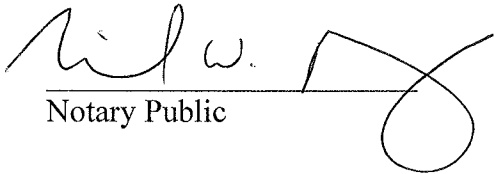
4. Attached as Exhibit 3 are true and correct copies of certain documents produced by Sigma Designs, Inc. ("Sigma") in this action and designated as "Confidential" by Sigma under the terms of the Protective Order So Ordered January 31, 2014 (Dkt. No. 96). These documents include subpoenas received by Sigma from the U.S. Attorney's Office and the Securities and Exchange Commission, as well as certain correspondence from Sigma in response to such subpoenas.

5. Attached as Exhibit 4 is a copy of a letter dated February 18, 2015 in which David Wikstrom, Esq. notes that his client, Tai Nguyen, "asserts his Fifth Amendment privilege against self-incrimination and will thus decline to answer questions at any deposition." Mr. Wikstrom has advised that this is because Mr. Nguyen presently intends to seek to vacate his guilty plea in *U.S. v. Nguyen*, 12-cr-00495, under *U.S. v. Newman*, because, among other things, there was no evidence of a personal benefit given in exchange for any material, non-public information.



Julia C. Spivack

Sworn to before me
March 16, 2015



Notary Public

MICHAEL WARREN BROZ
Notary Public, State of New York
No. 02BR6218349
Qualified in New York County
Commission Expires March 1, 2018